United Nations S/2006/943

Security Council

Distr.: General
6 December 2006

Original: English

Letter dated 29 November 2006 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I am attaching herewith Uganda's response to the report of the Monitoring Group on Somalia pursuant to Security Council resolution 1676 (2006) (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Permanent Representative

06-64553 (E) 121206

Annex to the letter dated 29 November 2006 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Response of the Government of Uganda to the report of the Monitoring Group on Somalia pursuant to Security Council resolution 1676 (2006)

1.0 INTRODUCTION

The Government of Uganda welcomes the efforts by the United Nations towards the stabilisation of Somalia. Government of Uganda regrets that the UN has dragged its feet in responding to the request by IGAD and AU for the lifting of the arms embargo on Somalia to pave the way for the deployment of IGASOM in support of the Transitional Federal Institutions. Government wishes to recall the mandate of IGASOM as being two-fold : to provide protection and training to the TFIs.

Government wishes to recall that the Extra-Ordinary Summit of IGAD Heads of State and Government on Somalia was held in Nairobi on 5th September 2006 attended by Ethiopia, Kenya, Somalia, Sudan and Uganda. In the Communique issued at the conclusion of the Summit, it was recalled that the 6th Session of the Assembly of the African Union (AU) held in Abuja on 31 January, 2005 made a decision to deploy an IGAD Peace Support Mission. The Nairobi Summit also reaffirmed the deployment of IGASOM in line with IGAD's earlier decisions and expressed support for the on-going dialogue between the TFG ad the ICU. The Summit further called on the UN Security Council to convene urgently in order to consider taking necessary action in accordance with its Presidential Statement of 13 July, 2006.

Furthermore, in the Communique issued at their Summit in Abuja, the IGAD Heads of State and Government under the Chairmanship of H.E. The President of Uganda, instructed their Ministers of Defence and Chiefs of Staff to meet urgently and decide, in collaboration with the Transitional Federal Government of Somalia, on the details and modalities of the deployment of IGASOM.

However, the reluctancy by the UN to lift the arms embargo has made it impossible for IGASOM to deploy in Somalia and instead a vacuum emerged and opportunistic forces took advantage of the same.

The resultant confusion has thus engendered speculation.

2.0 REBUTTAL

It is against this background that Government of Uganda takes great exception and objects to the inclusion on the list of the violators of the UN arms embargo on Somalia and questions the methodology and conclusions of the UN Monitoring Group which authored the Report in question.

2.1 Para 54

The Report of the UN Monitoring Group on Somalia alleges that flights were made from Massawa, Eritrea to Mogadishu International Airport, Somalia with a Ugandan registered B-707 No 5X-EOT using call sign MHU of Sky Jet Aviation (U) Ltd.

The fact of the matter is that this aircraft was sold by DAS Air Cargo to Great lakes Airways, who in turn sold it to Euro Oceanic Air Transport Ltd. It was thereafter leased by Euro Oceanic BLV of Brussels to Air Memphis but taken to Cairo, Egypt for maintenance in December, 2004 under Registration No.5X-GLA by Euro Oceanic BLV. It has since not returned to Uganda.

Due to purchase payment problems, Great Lakes Airways placed a lien on the plane and Air Memphis could not use it, that the complaint in Annex IX. Subsequently, Air Memphis changed its name to Sky Jet Aviation Authority in May 2006 but it has not yet been granted an operator's licence by Uganda Civil Aviation Authority (CAA). It has an ICAO call sign MHU.

2.2 Para 55

The Report of the UN Monitoring Group on Somalia further states that Sky Jet explained that the 8th and 10th October flights were irregularly operated by Euro Oceanic BLV of Brussels using their smuggled leased aircraft above to transport cargo from Eritrea to Somalia. However, records with the Kampala Sky Jet office indicate that the lease was terminated by Sky Jet on 23rd May, 2006, long before the flights in issue were undertaken.

Government of Uganda should, therefore, bears no responsibility for the alleged transactions using the cited B-707 nor for the origin of the flights nor for their cargo.

2.3 para 129

The allegation in the Report of the UN Monitoring Group on Somalia that the Government of Uganda provided arms, ammunition and military personnel in support of the TFG is a falsehood without any credibilty or evidence, given the framework for such deployment and conditions precedent to such an undertaking within the AU and IGAD initiatives. These include the partial lifting of the arms embargo on Somalia imposed by the UN Security Council Resolution 773(1992), cooordination and consensus on mandate within IGAD member states and funding from the AU for the peace support mission under IGASOM. Uganda could not have acted without these conditions being fulfilled.

Further, Article 210(d) of the 1995 Constitution of the Republic of Uganda provides that Parliament shall make laws for the deployement of troops outside Uganda. Pursuant to the foregoing, Section 39(2) of the UPDF Act (2005) provides that deployment of troops for purposes of peace keeing shall be done with the approval of

Parliament, a process that has not yet been undertaken and hence no such a deployment could have taken place.

2.4 Para 130

On the basis of the reasons and circumstances explained above, Uganda further wishes to categorically refute the allegation contained in the Report of the UN Monitoring Group on Somalia about deployment of the UPDF in Baidoa on 26th August 2006 or on any other date using 03 aircraft or any other means of transport to ship military or civil hardware or equipment.

2.5 para 131

The letter Ref.S/AC.29/2006/MG/OC.48 dated 31st August 2006 from the Chairman of the UN Monitoring Group on Somalia addressed to the Permanent Representative of the Government of Uganda to the United Nations was not received in time for Government of Uganda to provide a response by the deadline of 9th September, 2006.

The violations cited in Para 130 above formed the basis for the request for details by the UN Monitoring Group in that letter i.e allegations of troop deployments and cargo transported to Baidoa or elsewhere in Somalia by Government of Uganda or Uganda People's Defence Forces (UPDF)

The allegations are false, spurious and malicious given the above background, lack of legal mandate and chronology of events.

Government of Uganda wishes to submit that failure to respond to the Report within the period of 09 days set by the Group does not render Uganda guilty of the alleged violations in the Report of the UN Monitoring Group.

3.0 CONCLUSION

The Government of Uganda while calling for the lifting of the UN arms embargo, remains committed to ensuring that the UN arms embargo is not violated as long as it stands. Government of Uganda cannot violate its own Constitution, the understanding reached at the level of the AU and IGAD nor violate the UN Resolutions.

The allegations against Uganda as contained in the Report of the UN Monitoring Group are unfounded and Government of Uganda denies them in total and wishes to challenge the UN Monitoring Group to cross-check with their sources and provide evidence implicating UPDF or Government of Uganda as a whole in the violation of the UN arms embargo on Somalia.